

ORDINANCE NO. 07-036-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING ARTICLE 3.1600 OF THE CITY OF LEANDER CODE OF ORDINANCES REGULATING COMMERCIAL AND RESIDENTIAL ALARM SYSTEMS; BY AMENDING SECTIONS 3.1602, 3.1603, 3.1604, 3.1607, 3.1608, 3.1609, 3.1613, & 3.1616; AND AMENDING APPENDIX A, ARTICLE 4.000, SECTION 4.900 OF THE CITY OF LEANDER CODE OF ORDINANCES RELATING TO COMMERCIAL AND RESIDENTIAL ALARM SYSTEM FEE SCHEDULES PROVIDING OPEN MEETINGS; SEVERABILITY OF PROVISIONS; SAVINGS, CONFLICTING ORDINANCES, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Leander, Texas (herein "City"), a home rule municipal corporation, in accordance with law, recognizes the need to protect the public welfare and public safety relating to the operation of commercial and residential alarm systems within the City;

Whereas, recent changes in the *Texas Local Government Code* and *Texas Occupations Code* necessitate the City to amend ordinances that attend such legislative acts; and

Whereas, changes in technology and industry standards likewise necessitate amending ordinances addressing such technology and standards.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LEANDER, TEXAS, THAT;

Section 1. Findings of Fact. The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Article 3.1600, and Appendix A, Article 4.000, City of Leander Code Ordinances is hereby amended by modifying those sections indicated herein. A "strike over" indicates a deletion and an "underlined word" indicates an insertion. The modifications approved herein, reflected as above, shall be incorporated into the City of Leander Code of Ordinances in the sections designated for modification and proper notations made thereto.

Section 3. Amendment of Section 3.1602. Section 3.1602, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1602 Operation, Maintenance of Alarm Systems

(a) A permit holder shall:

- (1) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notifications;
 - (3) Respond or cause a representative to respond within one hour when notified by the city to repair or inactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises;
 - (4) Not manually activate an alarm system for any reason other than occurrence of an event that the alarm system was intended to report;
 - (5) Utilize "relaying intermediaries" for residential alarm systems of all classification types; and
 - (6) Utilize "relaying intermediaries" for commercial alarm systems of all classification types .
- (b) A permit holder of a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound for no longer than 15 minutes after being activated.

Section 4. Amendment of Section 3.1603. Section 3.1603, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1603 Violations

- (a) No person shall operate, cause to be operated or allow the operation of an alarm system:
- (1) Without a valid permit issued under the provisions of this article;
 - (2) Without being in compliance with the procedures and provision of this article; or
 - (3) That automatically dials the 911-Emergency Communications System.
- (b) No person shall knowingly cause a false alarm to be activated.

Section 5. Amendment of Section 3.1604. Section 3.1604, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1604 Fees

- (a) No fee under this article will exceed \$100.00; provided that permit fees under this article for a residential location shall not exceed \$50.00. (1999 Code of Ordinances, Chapter 1, Article 1.1400, Section 1.1404)
- (b) All fees under this article shall be set herein and such fees shall only be utilized to off-set costs associated with the implementation, enforcement, personnel training, and

general administration of this article by the police department. (Ordinance 02-014-00 adopted 6/20/02)

- (c) A late payment fee will be charged for fees not paid on time.
- (d) The permit holder of record shall pay all fees incurred under such permit including false alarm fees.

Section 6. Amendment of Section 3.1607. Section 3.1607, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1607 False Notifications

- (a) The holder of an alarm permit shall pay a service fee, as provided for in the fee schedule found in the appendix of this code. Such service fees shall begin and be collected in instances where the calls for service from an alarm site are in excess of five false alarms within the preceding 12 month period.
- (b) For any alarm notification for which a service fee is assessed, the chief of police has the authority to investigate the circumstances of the alarm, and may waive the payment of the fee. Police responses in excess of 30 minutes response time shall not result in a "false alarm" incident for the purposes of this Article's associated service fees.

Section 7. Amendment of Section 3.1608. Section 3.1608, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1608 Permit Requirement

- (a) An alarm system may not be operated without a permit issued by the chief of police. Upon enactment, permits shall be issued for new systems conforming to the Security Industry Association (SIA) Control Panel Standard with features for false alarm reduction. Existing systems at the time of enactment not conforming to SIA, but conforming to the requirements of state law, shall be permitted or renewed within the guidelines of this article until such time as such systems are significantly modified or converted; or taken over by another alarm company. On or after January 01, 2007, permits for new installations of such systems with a detection device control panel, such device shall meet or exceed the standards of the American National Standards Institute for false alarm reduction.
- (b) A separate permit is required for each alarm site.
- (c) The permit holder shall keep the alarm permit at the alarm site and shall produce such permit for inspection upon request of any member of the police department.
- (d) If the permit holder does not advise the police department that they have relinquished control of the alarm site, and cancel their permit, the permit holder is responsible for outstanding fees associated with that permit.

(e) All persons having alarm systems at the time of enactment of this article shall have 6 months from the time of the enactment of this article to request a permit and comply with the terms of this article. All new installations shall comply with the terms of this article upon the passage and publication of the caption.

Section 8. Amendment of Section 3.1609. Section 3.1609, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1609 Permit Requirements for Apartment Complexes (Multiunit Housing)

(a) The owner or property manager of an apartment complex shall obtain a master alarm permit if any alarm system is operated in any residential unit on the premises, whether the alarm system is furnished by the apartment complex owner or contracted for by an individual tenant.

(b) A tenant of an apartment complex shall obtain a permit before operating or causing the operation of an alarm system in his/her residential unit. Such permits may be issued through the apartment complex master permit or issued individually to tenants.

(c) The permit of the tenant supersedes the master permit of the apartment complex, and the tenant is responsible for payment of fees for false alarm notifications emitted from the alarm system in the tenant's unit. The master alarm permit holder is responsible for payment of service fees for false alarm notifications emitted from unoccupied units or where no permit has been obtained by the tenant. In such instances Alarm Administrator or designee shall notify master permit holders as to:

(1) the date of the signaling of the false alarm;

(2) the address of the multiunit housing facility where the signaling of the false alarm occurred; and

(3) the identification of the individual facility, if applicable, located on the multiunit housing facility premises where the signaling of the false alarm occurred.

(d) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage and equipment areas.

Section 9. Amendment of Section 3.1613. Section 3.1613, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1613 Revocation of Permit

The chief of police shall revoke an alarm permit if he determines that:

(1) There was a false statement made in the application for a permit.

- (2) If any false oral statement was made by applicant in connection with the permit application.
- (3) The permit holder has habitually violated the provisions of this article.
- (4) The permit holder has failed to make payment of any fees assessed under this article.
- (5) The permit holder does not maintain the alarm system in a manner that minimizes false alarm notifications or ensures proper operation of the alarm system and such actions result in ten or more false alarms in the preceding 12-month period.
- (6) All actions under this section for revocation of permits shall include a 30-day notice of the City's intent to revoke before action is taken.

Section 10. Amendment of Section 3.1616. Section 3.1616, Article 3.1600, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 3.1616 Penalty

- (a) Any person who shall violate any of the provisions of this article, or fail to comply therewith, or with any requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provision found in Section 1.109 if this code. Each day the violation exists shall constitute a separate offense.
- (b) Any person who operates, causes to be operated, or allows to be operated an alarm system without a valid permit shall be charged a fee as set forth in the false notification section herein. This is in addition to any criminal penalty imposed for violation of this article.

Section 11. Amendment of Appendix A, Article 4.000. Section 4.900, Appendix A, Article 4.000, Leander Code of Ordinances is hereby amended to read as follows:

Sec. 4.900 Alarm System Fees; False Notification

- (a) The holder of an alarm permit shall pay a service fee of \$75.00 if the permitted alarm site has had in excess of five but fewer than eight false alarms within the preceding 12 month period or \$100.00 if the site has had in excess of seven false alarms within the preceding 12 month period.
- (b) For any alarm notification for which a service fee is assessed, the chief of police has the authority to investigate the circumstances of the alarm, and may waive the payment of the fee. Police responses to alarm calls for service in excess of 30 minutes response time shall not result in a "false alarm" incident for the purposes of assessing service fees.

Section 12. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting the operation of alarm systems within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 13. Conflicting Ordinances. All prior ordinances of the City dealing with or applicable to alarm systems and associated fees are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting, or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

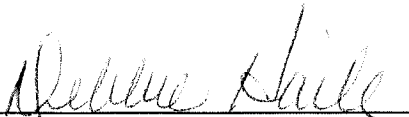
Section 14 . Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and publication in the manner required by the *Texas Local Government Code* and the Charter.

Section 15. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause, or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provision or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

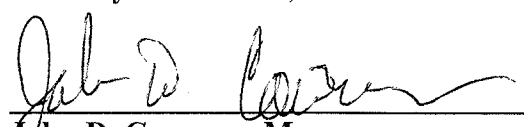
Section 16. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Texas Government Code, Chapter 551*.

PASSED AND APPROVED on this the 16th day of August, 2007.

ATTEST:


Debbie Haile, City Secretary

The City of Leander, Texas


John D. Cowman, Mayor